

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 12-20 were pending in the application, of which Claims 12 and 17 are independent. In the Final Office Action dated February 9, 2004, Claims 12-20 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 12-22 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated February 9, 2004, the Examiner rejected Claims 12-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,094,723 ("Otsuka") in view of U.S. Patent No. 6,373,507 ("Camara"). Claims 12 and 17 have been amended to further define and clarify the invention, and Applicant respectfully submits that the amendments overcome the rejection and add no new matter. Support for these amendments can at least be found in the specification on page 14, lines 25-27.

Amended Claim 12 is patentably distinguishable over the cited art in that it recites, for example, "wherein the storing means is provided in a secret area of a medium in which neither reading nor writing is permitted by a disclosed procedure and wherein the storing means can be accessed only by an undisclosed procedure."

Amended Claim 17 includes a similar recitation.

In contrast, Otsuka at least does not teach or suggest wherein the storing means is provided in a secret area of a medium in which neither reading nor writing is permitted by a disclosed procedure and wherein the storing means can be accessed only by an

undisclosed procedure. For example, *Otsuka* merely discloses a partial ROM disk with an outer edge and an inner edge. (See col. 3, lines 51-54.) Furthermore, *Otsuka* discloses that the flag may be set in a vendor-unique area of the top sector in the rewritable area ARW or in a reserved area of a defect management area. (See col. 5, lines 51-54.) In *Otsuka*, however, the vendor-unique area or reserved area do not disclose or suggest a secret area of a medium in which neither reading nor writing is permitted by a disclosed procedure and wherein the storing means can be accessed only by an undisclosed procedure.

Furthermore, *Camara* does not overcome *Otsuka*'s deficiencies. *Camara* merely discloses an image acquisition system. Like *Otsuka*, *Camara* at least does not teach or suggest wherein the storing means is provided in a secret area of a medium in which neither reading nor writing is permitted by a disclosed procedure and wherein the storing means can be accessed only by an undisclosed procedure.

Combining *Otsuka* with *Camara* would not have led to the claimed invention because *Otsuka* and *Camara*, either individually or in combination, at least do not disclose or suggest "wherein the storing means is provided in a secret area of a medium in which neither reading nor writing is permitted by a disclosed procedure and wherein the storing means can be accessed only by an undisclosed procedure", as recited by amended Claim 12. Amended Claim 17 includes a similar recitation. Accordingly, independent Claims 12 and 17 patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 12 and 17.

Dependent Claims 13-16 and 18-20 are also allowable at least for the reasons above regarding independent Claims 12 and 17, and by virtue of their respective dependencies upon independent Claims 12 and 17. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 13-16 and 18-20.

II. Conclusion

Applicant respectfully requests that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicant respectfully submits that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant respectfully submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant respectfully submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicant respectfully submits that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address

patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 13, 2004

By:


D. Kent Stier
Reg. No. 50,640
(404) 653-6559